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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,868	08/20/2003	Steve Anspach	20-522	5191

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EXAMINER	
GEE, JASON KAI YIN	
ART UNIT	**PAPER NUMBER**
2134	

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10/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/643,868	ANSPACH ET AL.	
	Examiner	Art Unit	
	Jason K. Gee	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is response to communication: response to amendment filed on 09/12/2007.

2. Claims 15-20 are currently pending in this application. Claims 15 and 18 are independent claims.

3. The Terminal Disclaimer was received on 09/12/2007.

Response to Arguments

4. Applicant's arguments filed 09/12/2007 with respect to the restriction, claims 17 and 20, and the deployable argument have been fully considered but they are not persuasive.

5. The applicants have continued to argue the restriction requirement, and holds that they elect the claims with traverse. However, as stated earlier in the previous Office Action, the election has been treated as an election without traverse as the applicants did not distinctly and specifically point out the supposed errors of the restriction requirement. (MPEP § 818.03(a)).

6. The applicants have also argued that the references applied to claims 17 and 20 are non-obvious because three references are applied, and that three references indicate non-obviousness. In response to applicant's argument that the examiner has combined an excessive number of references, reliance on a large number of references in a rejection does not, without more, weigh against the obviousness of the claimed invention. See *In re Gorman*, 933 F.2d 982, 18 USPQ2d 1885 (Fed. Cir. 1991).

7. Further, the applicants argue that the references do not teach that a system is deployable. However, systems that perform the specific methods are deployable. A system would not be useful if it is not deployable, as non-deployable systems cannot be used. The systems taught by DiFrancisco are systems used at a transmit suite and a receive suite, and are therefore deployable.

8. Applicant's arguments with respect to the claims concerning a portable system have been considered but are moot in view of the new ground(s) of rejection.

Election/Restrictions

Applicant's election of claims 15-20 in the reply filed on 04/23/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Double Patenting

9. The provisional double patenting rejection with regards to Copending Application No. 10/699,834 has been withdrawn in response to applicant's Terminal Disclaimer submitted on 09/12/2007

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over *Global Broadcast Service (GBS) End-to-End Services: Protocols and Encapsulation* by Michael DiFrancisco et al. (hereinafter DiFrancisco), 2000, and in view of *KIV-7 Family* (hereinafter KIV Family).

As per claim 15, DiFrancisco teaches a method of providing a deployable communication system, comprising: passing network data through an encryption device to provide bulk encrypted data (page 705, 2.1.2, wherein serial encryptors such as kg-194 and kg-84 inherently utilize bulk encryption); encapsulating said bulk encrypted data in IP packets (page 707, 3.0), routing said IP encapsulated, bulk encrypted data from an output port of said deployable communication system over an Internet (page 706, 2.3 and 2.3.1; packets are inherently output from output ports); wherein said deployable communication system enables routing of secure communications via said Internet using said IP packets comprising said encapsulated bulk encrypted data (page 706, 2.3 and 2.3.1; also page 707, 3.0).

However, at the time of the invention, DiFrancisco does not explicitly teach KIV type encryption devices. .However, DiFrancisco teaches Type 1 serial encryptors, such as KG-194, KG-84, etc. If not inherent, it is very well known in the art that one of the

most common type 1 serial encryptors are KIV encryptor units. For further information, this may be found in KIV Family, such as on page 1, relating the KIV-7 family with the KG-84.

Further, at the time of the invention, DiFrancisco and the KIV Family do not explicitly teach that the system is a portable system. However, making a system portable is obvious, as it increases the flexibility of the system. Also, see *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

At the time of the invention, it would have been obvious to combine the KIV Family reference with DiFrancisco. As stated earlier, DiFrancisco teaches type 1 serial encryptors, and it is well known in the art, if not inherent, that KIV encryptors are commonly used for type 1 serial encryptors. By utilizing KIV encryption, the KIV standards will be met, and can be adaptable to the security systems already in use with the type 1 serial encryptors.

As per claim 16, the KIV family teaches a KIV-7 encryption device.

Claim 18 is rejected using the same basis of arguments used to reject claim 15 above.

Claim 19 is rejected using the same basis of arguments used to reject claim 19 above.

12. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Di Francisco and KIV Family as applied above, and further in view of KIV-21 ViaSat IP Crypto (hereinafter ViaSat).

As per claim 17, the DiFrancisco and KIV Family reference do not explicitly teach KIV-21. However, DiFrancisco teaches that any type 1 serial encryptor may be used. The KIV-21 is well known in the art, as can be seen in the ViaSat reference.

At the time of the invention, it would have been obvious to combine the ViaSat reference with the DiFrancisco reference. One of ordinary skill in the art would have been motivated to perform such an addition to provide more security. It teaches in ViaSat on page 1 multiple advantages, one of them being that KIV-21 is ideal to create a Type 1 VPN supporting any IP-based client/server application including web browsing.

Claim 20 is rejected using the same basis of arguments used to reject claim 17 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Gee whose telephone number is (571) 272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-38383811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Gee
Patent Examiner
Technology Center 2100
10/15/2007

KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER